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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,452	03/30/2001	Srinivas Gutta	US010113	8480

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EXAMINER

NGUYEN, NAM V

ART UNIT PAPER NUMBER

2635

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/822,452

Applicant(s)

GUTTA ET AL.

Examiner

Nam V. Nguyen

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13 and 14 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/12/02</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

The application of Gutta et al. for a “method and system for automatically controlling a personalized networked environment” filed March 30, 2001 has been examined.

Claims 1-14 are pending.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atick et al. (US# 6,111,517) and in view of Duhamel et al. (US# 5,541,585).

Referring to claims 1 and 14, Atick et al. disclose a method and system of automatically controlling a networked environment (column 2 lines 14 to 64; see Figures 1 to 10) comprising:

setup step (i.e. initially launch program) comprising:

capturing face image of an individual (330) (i.e. create facial representation of user)

(column 4 lines 3 to 59; see Figures 2, 3 and 9),

storing the face image (column 3 line 61 to column 4 line 2; column 4 lines 60 to column 5 line 10; see Figures 1 to 3),

associating least one appliance setup (i.e. tracking path of user and/or launch screen saver option of a computer system 100) to the face image (i.e. an face of an authorized user) (column 6 line 1 to column 7 line 45; see Figures 3 to 5),

initiating step comprising:

comparing (340) the face image (i.e. an acquired representation of user) to stored face images (i.e. stored representation of user) (column 6 line 13 to column 7 line 7; column 11 lines 47 to 67; see Figure 3A to 6 and 9),

and initiating the least one appliance setup (column 6 line 13 to column 7 line 7; column 12 line 8 to 52; see Figure 3A to 6 and 9).

However, Atick et al. did not explicitly disclose retrieving the least one appliance setup for a matched face image.

In the same field of endeavor of security system for access control, Duhamel et al. teach that retrieving the least one appliance setup for a matched face image (column 6 lines 31 to 46; see Figure 4) in order to programmable features to changed periodically to conform to the user's preferences.

One of ordinary skilled in the art recognizes the need to activate according to the programmable feature set up of appliances according to the user's preferences taught by Duhamel et al. in a face recognition for access control of Atick et al. because Atick et al. suggest it is desired to provide that a computer system will recreate a tracking path for an authorized person and automatically launch a screen saver application for authorized user after granted access to

Art Unit: 2635

the computer system (column 6 line 37 to column 10 line 35) and Duhamé et al. teach that the security system is connected to variety of appliances which are activated depending on the authorized code provided by an authorized person (6 lines 31 to 46) in order to have appliances operated the programmable features to conform to the authorized user's preferences. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to activate according to the programmable feature set up of appliances according to the user's preferences taught by Duhamé et al. in a face recognition for access control of Atick et al. with the motivation for doing so would have been to provide a convenient way to activate appliances to conform to the user's preferences.

Referring to Claim 2, Atick et al. in view of Duhamé et al. disclose the method of Claim 1, Atick et al. disclose wherein a face recognition system (100) (i.e. a computer system with real-time face recognition software program) performs capturing and comparing steps (column 3 line 43 to column 4 line 9; column 4 line 40 to column 5 line 30; see Figures 1-2 and 9-10).

Referring to Claims 3-4, Atick et al. in view of Duhamé et al. disclose the method of Claim 1, Duhamé et al. disclose wherein least one appliance setup (i.e. a thermostat set temperature) further comprises a quantifiable term (i.e. degree of the temperature) associated with at least one networked appliance; and wherein the quantifiable term comprises level, a temperature, a volume, channel, track of a recording, a period time, a frequency, period of time (column 6 lines 31 to 46; see Figure 3).

Referring to Claim 5, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, Atick et al. disclose wherein the setup step upon request the individual (column 9 lines 53 to column 10 line 35; see Figure 7).

Referring to Claim 6, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, Atick et al. disclose wherein the initiating step performed automatically (column 6 line 32 to 65; see Figures 3-4).

Referring to Claim 7, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, Duhamel et al. disclose wherein the associating step further comprises inputting at least on appliance set up into a memory by typing into a keyboard, by speaking into a voice recognition system, or by selecting the at least one personal touch-sensitive screen (column 6 lines 31 to 46; see Figure 3).

Referring to Claim 8, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, Duhamel et al. disclose wherein the associating the least one appliance set up controls at least one illumination source (36), a microcomputer (50), a device for preparing food (38), or an interior climate control device (52) (i.e. a thermostat) (column 6 lines 31 to 46; see Figure 3).

Referring to Claim 9, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, Duhamel et al. disclose wherein the associating step further comprises selecting a least one

appliance setup and the initiating step initiates the at least one appliance setup according to the specific feature (column 6 lines 31 to 46; see Figure 3).

Referring to Claims 10-11, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, Duhamel et al. disclose wherein the at least one appliance setup comprises a message storage device (16) (i.e. memory in fixed transceiver) and the initiating step setup comprises further comprises: receiving incoming message into a device for receiving messages, recording said message onto a recording medium, determining if the message is associated with the face, recalling the message associated with the face image, and reciting the message associated with the face image through a recitation means (column 5 lines 35 to 48; see figure 3).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Atick et al. (US# 6,111,517) in view of Duhamel et al. (US# 5,541,585) as applied to claim 1 above, and in further view of Puchek et al. (US# 6,496,595).

Referring to Claim 13, Atick et al. in view of Duhamel et al. disclose the method of Claim 1, however, Atick et al. in view of Duhamel et al. did not explicitly disclose requesting a password be entered by the individual, receiving said password, and verifying that the password matches a preset password before storing the facial representation of individual.

In the same field of endeavor of a biometric access control apparatus, Puchek et al. teach that requesting a password be entered by the individual, receiving said password, and verifying that the password matches a preset password before storing the facial representation of individual

(column 7 lines 41 to column 8 line 7; see Figures 1 to 3) in order to enroll biometric data to store in memory of an access control apparatus.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize the need to use password for enroll biometric parameter an authorized person for an access taught by Puchek et al. in a security system for controlling building access of Atick et al. in view of Duhamel et al. because using a password for authorization to register a person to have access into a security system would improve security that has been shown to be desirable in a security system for controlling building access of Atick et al. in view of Duhamel et al.

***Allowable Subject Matter***

Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claim 12, the following is a statement of reasons for the indication of allowable subject matter: the prior art fail to suggest limitations wherein the initiating step further comprises: associating the matched face image hierarchy of control over the least one appliance setup, determining a second individual previously initiated the at least one appliance setup, determining the hierarchy of control over the least one appliance setup associated with the second individual, initiating the setup associated with the matched image only if either second individual previously initiated the at least one appliance setup, if the matched face image ranks



Art Unit: 2635

higher within the hierarchy control, or based a default or average setting if the matched face same rank.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Meyvis (US# 6,023,224) discloses a door frame with integrated keyless entry system).

Mann et al. (US# 6,119,096) disclose a system and method for aircraft passenger check-in and boarding using iris recognition.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone numbers for the

Art Unit: 2635

organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
March 4, 2006



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